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Fair Chance Employment Legislation

BarNone urges the adoption of the Fair Chance Employment Act to ensure that Idahoans returning to the workforce after incarceration are able to obtain meaningful employment opportunities that decrease their likelihood of recidivism, allow them to provide for themselves and their families, and increase their ability to contribute to Idaho's growing economy.

What is Fair Chance Access to Employment legislation?

Most job applications have a check box asking applicants to disclose if they have a criminal record. Checking the box slashes the likelihood of a callback or offer by nearly 50 percent. This is devastating for people who are trying to rebuild their lives and provide for their families. Today, 21% — one in five adults — have a criminal record. While more than 12,000 people are imprisoned in the Idaho, 95 percent of people in state prison will re-enter our communities at some point. These are people who have or will reenter their communities and need gainful employment to build stability and find success after incarceration. Giving all job applicants a fair chance at employment opportunities offers them a fresh start, while ensuring that Idaho's recidivism rates stay low because formerly incarcerated Idahoans are able to access meaningful employment in their local communities.

What is the problem in Idaho?

- An estimated 361,000 adult Idahoans (21% of Idahoans) have a previous criminal conviction. In Idaho, there are currently 12,800 people incarcerated in prison and jail and 16,600 people on probation or parole.
- People with felony records have difficulty obtaining employment, which impacts their ability to secure safe housing and to provide for themselves and their families. This substantially contributes to Idaho's unemployment and homelessness rates.

What is the solution?

Reducing recidivism rates in Idaho requires successful community reentry upon release from incarceration. Fair Chance Employment legislation begins to remove the structural discrimination and stigmatization that formerly incarcerated people face when accessing employment while also educating employers and human resource departments about how to evaluate a criminal record justly.



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What does Fair Chance Employment legislation do?

This fair chance employment policy encourages employers to eliminate blanket exclusions of people with criminal records, delaying criminal history inquiries until after an applicant has been deemed as qualified for the position, and encouraging employers to consider information about an applicant's criminal record in a job-related context.

Specifically, this Idaho proposal would:

1. Ensure access to the employment process by barring language in job descriptions and applications that seeks to exclude people with previous criminal convictions.
2. Ask employers to first determine whether the applicant is otherwise qualified for the job before inquiring into an applicant's previous criminal history at either the interview stage, or upon a conditional offer of employment, if no interview is offered.
3. Continue to allow employers to conduct criminal background checks to make informed hiring decisions and provides balanced exemptions for employers who are required by law, rule or regulation to consider an applicant's criminal background prior to an interview or conditional offer of employment.

This legislation would not require that an employer hire or even interview a candidate that has a criminal conviction.

This legislation would not provide for intrusive government intervention or punishment for employers who fail to follow the guidelines.

For more information on Fair Chance Employment legislation or to learn more about the campaign for Idaho, the following resources are available:

www.barnoneidaho.org/fairchance

www.nelp.org/campaign/ensuring-fair-chance-to-work/

www.acluidaho.org/en/campaigns/ensuring-fair-chance-employment-practices-idahoans-post-conviction